APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,146	01/25/2001	Spencer A. Rathus	660-019	8431

7590   06/11/2002

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EXAMINER
LE, THIEN MINH

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 06/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *168-298* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *168-298* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *25 January 2001* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

The preliminary amendment filed on 1/25/2001 has been entered.   Claims 168-

298 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 168, drawn to the apparatus and method claims 293, and 296, are

rejected under 35 U.S.C. 103(a) as being obvious over Wellner (Wellner – 5,640,193) in

view of (Li – 5,797,330); Malewicki et al. (hereinafter Malewicki - 5,477,042); Bravman

et al. (hereinafter Bravmen – 5,866,888) and; Wang (Wang – 5,477,042).

Wellner discloses a system that allows multimedia service access by reading

marks on an object. Specifically, Wellner discloses a scanner 11 for reading bar codes

[see summary of the invention, col. 2]. The scanned data is decoded into a request and

communicated to server 13 for handing the decoded request. In col. 4, lines 30-35,

Wellner discloses that the bar codes work similar to URL identifiers. Figure 2 of

Wellner shows the use of a bar code reader, a catalog 10, a communication network for

retrieving encoded information, and a display system for displaying information to a

reader.

However, Wellner fails to disclose the use of a commercial document containing

a machine readable code.

It would have been obvious to incorporate the bar code in a commercial

document. In a sense, the use of commercial document is merely a possible

application of the system as taught by Wellner. Further, the use of bar codes for

encoding price information, vehicle information, decal information, parking permit

information, etc., is notoriously and known and old. Without any unexpected result, the

modification is merely a design consideration that is well within the skill level and

expectations of an ordinary skilled artisan. References Li, Malewicki, Bravman and

Wang are cited as evidence showing the conventionality of the use of the bar code on

commercial documents. These references show the use of commercial documents

containing machine readable bar-codes wherein information pertaining to the bar codes

can be stored in the codes or retrieved from a remote computer.

Specifically, Li discloses a mass transit system comprising a track unit 64, a

controller module 110, a memory unit 110b, and a processor 110a. According to Li, the

track units 64 are further configured with a bar code scanning module 124, one or more

surveillance sensors 128, and may additionally include a junction control module 130.

The scanning module 124 is arranged to scan each passenger vehicle 20 outfitted with

a suitably positioned bar code indicia 28 (as shown in FIG. 1A) as the respective

vehicles 20 pass track units 64. (Note the bar code indicia in a preferred embodiment

would be located on the "inside" of the stabilizing leg 26 where it may be easily

scanned.) The scanned bar code indicia, which provide unique vehicle identification

numbers for each scanned vehicle, are transmitted to the computing means 86 for

processing. The use of unique bar code indicia 28 to identify each passing vehicle

enables the computing means 86 to monitor the location of each vehicle traveling within

the network without the need for an information exchange between the respective

vehicles and the track units 64. In addition, should there be a malfunction in one or

more of the on-board electronic systems of the passenger vehicle 20, resulting for

example in the failure of the wireless communication transceiver 122, the system may

still be able to track the vehicle as it moves along the track means 22. The surveillance

sensors 128 may be included with the track units to further enable the monitoring of

passing passenger vehicles 20. The surveillance sensors may be provided to monitor

vehicle speed, vehicle acceleration, and other operating parameters of the passenger

vehicles 20. Another important component included with a plurality of the track units 64

is the junction control module 130. The track units 64 that include the junction control

module 130 are positioned near junctions 68 and are provided to control the traffic flow

through the associated junction 68. The actual settings for each junction 68, which will

determine the particular track means 22 that respective vehicles will traverse (and

ultimately direct vehicles to the respective destination passenger stations), will be

determined by the computing means 86 and transmitted to the appropriate track units

68 by way of the communication link 96b.

Malewicki discloses a passenger transportation system for self-guided vehicles.

According to Malewiki, one of a plurality of identification and scanning devices (ISDs)

160 is mounted on each vehicle 80, the vehicle -mounted ISDs 160 each carrying

unique vehicle identity information 165 and operating under the control of the VCDPC

130. Each ISD 160 utilizes an optical method of scanning, such as a laser and bar code

method. Other ISDs 160 are positioned at a plurality of fixed locations 170 in the track

network and each carry unique location identity information 175. Each vehicle -

mounted ISD 160 is capable of detecting and reading each ISD 160 at each fixed

location 170 when in close proximity thereto, thereby providing vehicle location and

direction of movement information to the VCDPC 130.

Bravman discloses a traveler security and luggage control system. According to

Bravman, a traveler ID bar code is used in conjunction with one or more customer

check-in terminals 15 at, e.g., a rental car customer service counter or a hotel

registration desk. When the customer arrives at the counter or registration desk, he or

she presents his boarding pass or other record device to the attendant, who operates

the terminal 12 to scan the bar code on the boarding pass. The attendant may ask the

customer for confirmatory identification, e.g., a driver's license, and operate the terminal

(e.g., by pressing an ENTER key) to confirm the check-in on the customer.

Alternatively, the customer himself could hold up the bar code in front of a fixed terminal

15 for comparatively unattended operation.

Wang discloses a 2-D bar code scanner/decoder having a redundancy canceller.

According to Wang, 1-D bar codes have come into wide usage on the basis of

permitting application to supermarket items, vehicles, inventory parts, etc., of an image

representing a multi-digit identifying number which is readily machine-readable. Wang

also discloses that 2-D bar codes make possible a wide-variety of new uses and

applications in which a much wider range of information and data may be encoded and

distributed by mail, facsimile transmission, etc., alone or in combination with other

graphic or textural images, as well as being affixed to products, vehicles and inventory

items, for example. On the other hand, two-dimensional bar codes require more

complex capabilities for accurately reading the greatly increased amount of encoded

data. Such requirements can be accommodated by use of sophisticated scanning

equipment able to provide electronic output signals representing pixel data that is

synchronized both on a pixel-by-pixel basis and also on a scan -by-scan basis.

        Claims 169-292, drawn to the apparatus and method claims 294-295, 297-298,

are rejected under 35 U.S.C. 103(a) as being obvious over Wellner (Wellner –

5,640,193) in view of (Li – 5,797,330); Malewicki et al. (hereinafter Malewicki -

5,477,042); Bravman et al. (hereinafter Bravmen – 5,866,888) and; Wang (Wang –

5,477,042) in view of the general teachings of the prior art of record (Hidary –

5,774,664; Shachar – 6,012,102; Veeneman et al. – 5,774,874; Montanari et al. –

5,478,990; Dudle et al. – 5,570,291).

        Regarding claims 169-292, 294-295, 297-298,see the discussions above.

The claims differ in calling for the use of an alternative form of a code such as a

watermark, an invisible barcode, a magnetic code, a printer character, a invisible icon,

etc. The claim also recites the use of various different type of networks, the use of a

menu, listings, the method of payments and shipments, and the specific input sources

such as an image link, a video link, etc. It would have been obvious to incorporate all

these limitations in the combined as taught above. The general teachings of the prior

art include the use of a watermark, a magnetic code, a printed character, an icon, etc.,

as a data input source. Without any specific and unexpected result, replacing one

source of input with another known source of input would have been design

consideration; and would have not been considered novel. For similar reasons, it

would have been obvious to replace one type of network with another since the use of

various different networks are known to an ordinary skilled artisan in the art. Choosing

one type of network over another would merely depend on the type of applications, the

services being offered. Finally, it would have been obvious to include the claimed steps

of providing payment, shipping, and returning information in the combined systems.

The methods of providing payment/shipping/returning information are notorious known

and old and have been made commercially available. Various references in the cited

prior art of record are herein discussed as evidence showing the conventionality of

some of the claimed limitations.

Reference to Hidary is cited as evidence showing the conventionality of an

image/video/sound link as an input source. Specifically, Hidary discloses an enhanced

video programming system and method for incorporating and displaying retrieved

integrated Internet information segments. The system includes a client software 106

retrieves URLs from the video program embodiment of FIG. 1) or directly from the

Internet connection (embodiments of FIGS. 2 and 4), interprets these URLs and directs

the JAVA enabled browser 98 to retrieve the particular relevant Web pages 102, and

synchronizes the retrieved Web pages to the video content for display on the user's

computer 16, as shown in FIGS. 3 and 4 and explained in more detail in the

specification.

Shachar discloses a system using machine-readable printed symbols created

from encoded data resource specifiers to establish connection to data resource on data

communications network. Specifically, Shachar provides a technique for encoded

printed presentation and manipulation of addresses of data and/or information

resources located on an Internet, e.g., the Internet. The printed form of the addresses

can be, for example, a barcode, or other digitally encoded representation which can be

scanned electronically. A terminal device for Internet access (e.g., a personal computer

or smartphone adapted to data services) is provided with a scanner for reading the

encoded address. Application software running on the terminal device would then use

the scanned address to establish a network connection, or simply to store the scanned

address for later access. Using this technique, it is possible to scan a bar coded

representation of a WWW site address (printed, for example, on a business card, in a

newspaper ad, or the like) and to automatically and immediately generate an Internet

connection to the WWW site and to display/activate a web page.

Veeneman discloses a multi-merchant gift registry system. The system includes

abar code scanner 40 could be located in a registrant's home such that the registrant

could register for items from multiple merchants via a catalogue that includes bar codes

for the items. The registrant would communicate to the kiosk via remote

communication, such as a modem or the InterNet . The term catalog should be

understood to be not limited to a physical paper catalog, but also encompasses things

such as CD-ROMs, and other data storage devices. In this embodiment, it would be

required that there be a unique bar code for each catalog to identify the supplier of the

particular item. This identifying code could be on the front cover, the back cover, or

somewhere within the catalog.

Montanari et al. disclose a method for tracking the production history of food

product. FIG. 1 shows a tag that is encoded with a Tracking Number. According to

Montanari, the tag is used to convey 1) an Animal Tracking Number (A-TN)

which is the tracking number applied to a live animal; 2) an Offal Tracking

Number (O-TN) which is attached to offal products; 3) a Production Tracking

Number (P-TN) that is attached to a quarter of meat and that identifies

fabricated primals and sub-primals derived from the animal of origin; and 4) a

Retail Tracking Number (R-TN) that is presented on a primal or sub-primal cut

for retail identification. As ownership and possession of an animal is transferred, the

Animal Tracking Number (A-TN) is recorded on a tag, preferably in an electronic or

computer readable form, such as a bar-code or magnetic strip, and vital information,

such as prior owners, genetic history, weight, feeding history, microbacterial

profiles, diseases, medications, etc., may be added to the database record via

such tag at various times in the growth of the animal, as well as in the fabrication

process.

Dudle et al. disclose a custom product estimating and order processing system.

According to the system includes the method for generating estimates and orders for

the manufacture of custom items such as business forms is provided which stores

estimate data at a central location, e.g., a corporate office, for access by sales

representatives at remote sales sites. A sales representative creates an item

specification for a form to be manufactured and electronically transmits it to the

corporate office for estimate data. Data relating to the cost and list price to produce the

form based on the item specification is transmitted to the sales representative. The

sales representative determines a sell price from the pricing data, and generates a

production order using the item specification and the estimate data, among other data.

The production order is transmitted to a manufacturing plant for job execution. The

system manages a centralized repository of item specification, estimate and customer

contract data, among other types of data, for analysis and reporting which can be

accessed by computers at different manufacturing plants and sales sites.

Remarks

Due to a large number of claims involving a series of patent applications deriving

the benefit from U.S. Patent Application No. 09/365,961 and 08/628,246, the examiner

has made an attempt to provide cite all references which are representative of the

general teachings of the prior art that are appeared to be pertinent to the underlying

concepts of the applicants' invention. In this instant application, since the set of claims

is large and is somewhat broad with reference to the teachings of the prior art, the

examiner respectfully recommends applicant to review the set of references cited in this

Office Action; and to amend the claims accordingly such that they are clearly defined

over the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thien M. Le whose telephone number is (703) 305-

3500. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5841 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Le, Thien M.
Primary Examiner
Art Unit 2876
May 30, 2002